REMARKS

Election/Restriction
The cancellation of Claims 1-35, 42-68, and 70 is requested herein above, because the claims have been withdrawn as allegedly being drawn to non-elected inventions, as advised by the Examiner. Thus, no new matter is added by way of these claim amendments.

Specification
The amendment of the specification is requested herein above in order to move the Brief Description Of The Drawings to earlier in the specification, as suggested by the Examiner. The text in the Brief Description is the same as filed in the application. Thus, no new matter is added by way of this amendment to the specification.

Sequence Compliance
1. The Examiner alleges that the specification makes reference to amino acid sequences without referencing the sequence identifier. Applicants note that the nucleotide sequence and amino acid sequence shown in Fig. 1 are referenced and defined as SEQ ID NOS. 1 and 2, respectively; and the nucleotide sequence and amino acid sequence of Fig. 2 are referenced and defined as SEQ ID NOS. 3 and 4, respectively. See, for example, page 32, lines 24-27 of the Brief Description Of The Drawings. Thus, Applicants assert that the references in the specification made to the nucleotide sequences and amino acid sequences of Fig.s 1 and 2 are referenced accordingly by sequence identifiers.

As specifically suggested by the Examiner, the amendment of the specification to include reference to sequence identifiers is requested herein above at page 2, lines 29-30; page 7, line 5; page 9, lines 15-16, and page 10, line 26.

2. The Examiner alleges that the specification contains amino acid sequences that are not represented by a sequence identifier at page 4, lines 5-6. Responsive to the Examiner's concerns, Applicants direct the Examiner to Applicants' Amendment filed 4 April 2002, amending the specification to include sequence identifiers following the amino acid sequences described at page 4, lines 5-6; and the Sequence Listing filed 21 February 2002, describing the amino acid sequences referenced by the respective sequence identifiers (e.g., see reference to SEQ ID NOS. 9-15). A copy of this Amendment and Sequence Listing is attached herewith for reference.

Claim Objections
The amendment of Claim 36, and Claims 37-41 and 69 dependent thereon, is requested herein above to delete recitation of "by an ischemic attack, infarction, hemorrhage or aneurysm; Huntington's disease; ... myelopathy; myelitis; or syringomyelia", because such methods, reciting such disease or conditions, have been withdrawn as allegedly being drawn to non-elected inventions. Thus, no new matter is added by way of this amendment.

The amendment of Claims 39 and 40-41 is requested herein above to insert the appropriate sequence identifiers, as suggested by the Examiner. The recited sequence is clearly described and identified in Fig. 3 by the appropriate sequence identifier. Thus, no new matter is added by way this claim amendment.

In view of the above amendments and remarks, Applicants respectfully request withdrawal of the objections.

Claim Rejections Under 35 USC § 103

Claims 36-41 and 69 are rejected under § 103(a) as allegedly being unpatentable over Webster in view of Nakamura. The Examiner alleges that one skilled in the art would be motivated to administer FGF-9 for treatment of multiple sclerosis (MS) because Webster allegedly teaches that growth factors would be useful for MS treatment if they had the ability to increase oligodendrocyte proliferation and differentiation, upregulate myelin constituents, and promote myelin regeneration of the CNS; and Nakamura et al. allegedly teach that FGF-9 is expressed in CNS cells involved in myelination where FGF-9 receptors are present and that FGF-9 stimulates cellular processes involved in myelin formation.

Applicants respectfully traverse this rejection and assert that Webster in view of Nakamura et al. do not motivate one skilled in the art to use FGF-9 for treatment of MS, because as acknowledged by the Examiner, neither Webster nor Nakamura et al. teach or suggest the administration of FGF-9 for the treatment of MS.

Specifically, Webster teaches "In contrast to effects seen in rodent cultures, neither FGF, IGF-I nor PDGF increased proliferation of human oligodendroglia." See e.g., page 114, sentence spanning columns 1 and 2 (last sentence, second full para.). Thus, Applicants assert that Webster teaches away from the use of growth factors, including fibroblast growth factors, for treatment of MS. Moreover, the teachings of Nakamura et al. relate to FGF-9 in rat. Applicants assert that one skilled in the art would not have been motivated to administer FGF-9 for treatment of MS, because Webster in view of Nakamura would teach away from the use of FGF for treatment of MS.

Therefore, Applicants assert that treatment of MS using FGF-9 would not have been prima facie obvious in view of the teachings of Webster in view of Nakamura et al. In view of the above remarks, Applicants respectfully request withdrawal of this rejection of Claims 36-41 and 69.

CONCLUSION

In view of the foregoing remarks and amendments, Applicants believe that the claims are in condition for allowance and that the issuance of a Notice of Allowance is in order.

In the event that there are any questions relating to this application, the Examiner is invited to contact the undersigned patent attorney via telephone, so that prosecution of this application may be expedited.

Respectfully submitted,

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